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## Facsimile

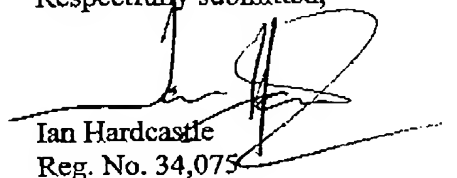
**Date:** March 21, 2003**Fax number:** 703-308-9318 <sup>872</sup>**To:** Examiner Lincoln D. Donovan**Total pages:** 5 <sup>7632</sup>**From:** Ian Hardcastle**FAX RECEIVED**

**Subject:** US Patent Application 10/080,643  
**Attorney Docket:** 10004099-2  
**Filed:** February 21, 2002

MAR 21 2003  
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Enclosed is the an Amendment in response to the Office Action dated January 23, 2003.

Respectfully submitted,

  
Ian Hardcastle  
Reg. No. 34,075

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Action  
3/21/03  
3-24-03

I hereby certify that this correspondence is being transmitted via facsimile to the Assistant Commissioner of Patents, Washington, D.C. 20231 at 703 308 9318 on 21 March 2003.

By Linda A. Imura Date 3/21/03  
Linda A. Imura

PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor(s): You Kondoh et al.

Group Art Unit: 2832

Serial No.: 10/080,643

Examiner: Lincoln D. Donovan

Filed: 21 February 2002

Title: *Conductive Fluid-Based Switching Element*

Atty Docket: 10004099

ELECTION

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Assistant Commissioner of Patents  
Washington, D.C. 20231

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Sir:

In response to the Official Action dated 23 January 2003, the applicants elect Species I with traverse. Claims 1-4, 6-14, 18 and 19 read on Species I.

The applicants respectfully disagree with the analysis of the species set forth in the official action.

First, as stated in the Brief Description of the Drawings, Figures 1A and 1B show the conductive liquid-based switch device disclosed in published International Patent Application No. WO 01/46975, and not a conductive liquid-based switch device in accordance with the invention.

Second, claims 1, 2, 6, 7, 18 and 19 are generic: all of Figures 2A, 2B, 3A, 3B, 4 and 5 show embodiments of a conductive liquid-based switch device each of which comprises the elements respectively recited in these claims.

USSN 10/080,643

PATENT

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Third, Figures 2A and 2B do not show a species, but instead show a generic structure that includes a latching structure associated with each channel. Each latching structure is comprised of an energy barrier located between the respective channel and each of the adjacent electrodes.

Figures 3A-3E and 4 show embodiments of the generic structure shown in Figures 2A and 2B in which the energy barriers are provided by regions of different wettability. Figure 5 shows an embodiment of the generic structure shown in Figures 2A and 2B in which the energy barriers are provided by regions of different cross-sectional dimensions. The applicants therefore respectfully submit that the application discloses at most two patentably distinct species. The applicants have elected the claims that read on the species shown in Figures 3A-3E and 4.

The applicants believe that the application as now amended is in condition for allowance, and respectfully request such favorable action. If any matters remain outstanding in the application, the Examiner is respectfully invited to telephone the applicants' attorney at (650) 485-3015 so that these matters may be resolved.

Respectfully submitted,

You Kondoh et/al.

By: Ian Hardcastle  
Reg. No. 34,075Dated: 030321

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